

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re:**

**CIRCUIT CITY STORES, INC., et al.**

**Debtors.**

**Chapter 11**

**Case No. 08-35653**

**Jointly Administered**

**MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE**

California Self-Insurers' Security Fund (the "Fund"), a creditor in the above-captioned Chapter 11 cases, by and through its undersigned counsel, and pursuant to the Court's Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-I Establishing Certain Notice, Case Management, and Administrative Procedures, hereby moves for leave of Court to attend the August 27, 2009 status hearing by telephone. In support thereof, the Fund states as follows:

1. On November 10, 2008, the above-captioned debtors and debtors-in-possession (collectively, "Debtors"), filed voluntary petitions in this Court for relief under chapter 11 of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code").

2. In accordance with the claims bar date set by this Court, the Fund filed a priority proof of claim in Circuit City Stores, Inc. which was file stamped on March 6, 2009 and assigned claim number 11721.

3. On or about July 29, 2009, the Fund received the Debtor's Twenty-Seventh Omnibus Objection to Claims (Disallowance of Certain Tax Claims for No Tax Liability) (the "Debtors' Objection") contending that the Fund's claim was not entitled to priority.

4. On August 20, 2009, the Fund filed the California Self-Insurers' Security Fund's Opposition to Debtors' Twenty-Seventh Omnibus Objection to Certain Claims (the "Response") opposing the Debtor's Objection and establishing its right to an excise tax claim under 11 U.S.C. § 507(a)(8).

5. The status hearing on the Objection is scheduled for August 27, 2009 at 11:00 a.m. EDT.

6. The Fund's lead counsel, Louis J. Cisz, III has been representing the Fund with respect to the bankruptcy process and has a unique and complete understanding of the facts and circumstances related to the arguments made by the Fund in the Response.

7. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the "Order"). Page 5 of Exhibit A to the Order states as follows:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

8. Mr. Cisz will not be able to appear in person for the status hearing on August 27, 2009 due to prior commitments, and the Fund respectfully asks for leave of court pursuant to the Order so that he may appear by telephone with Virginia counsel present.

9. Based on Mr. Cisz's unique knowledge of the facts and legal arguments in the case, the ends of justice would be served by allowing Mr. Cisz to appear by telephone.

WHEREFORE, the Fund respectfully requests that this Court grant its Motion and enter an Order substantially in the form annexed hereto permitting Louis J. Cisz, III to appear and be heard by telephone at the status hearing on August 27, 2009 on behalf of the Fund and grant such other relief as necessary and appropriate.

Dated: August 21, 2009

Respectfully Submitted,

NIXON PEABODY LLP

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*Counsel for California Self-Insurers'  
Security Fund*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2009, a true and complete of the foregoing was filed and served electronically using the Court's ECF system and served by first-class mail postage prepaid, to the entities at the addresses listed below:

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I also hereby certify that I caused a copy of the foregoing document to be delivered in PDF format, by e-mail to: [circuitcityservice@mcguirewoods.com](mailto:circuitcityservice@mcguirewoods.com) and [project.circuitcity@skadden.com](mailto:project.circuitcity@skadden.com).

/s/ Diana V. Vilmenay

**LOCAL RULE 9022-1 CERTIFICATION**

I hereby certify that the foregoing has been either endorsed or served upon all necessary parties.

/s/ Diana V. Vilmenay